

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ERIC FORSYTHE, Individually And On Behalf Of)	Civil Action No. 04cv10584 (GAO)
All Others Similarly Situated,)	
)	
)	Consolidated Case Nos.:
Plaintiff,)	
)	04cv10764 (GAO)
vs.)	04cv11019 (GAO)
)	
SUN LIFE FINANCIAL INC., et al.,)	
)	
Defendants.)	
)	

**RENEWED [PROPOSED] PRETRIAL ORDER NO. 2 FOR
APPOINTMENT OF CO-LEAD PLAINTIFFS, APPOINTMENT OF
CO-LEAD COUNSEL AND APPOINTMENT OF LIAISON COUNSEL**

WHEREAS, appointment of Co-Lead Counsel and Liaison Counsel is appropriate and consistent with the recommendations of § 10.22 of the Manual for Complex Litigation (4th ed. 2004);

NOW, THEREFORE, THE COURT ORDERS as follows:

I. APPOINTMENT OF CO-LEAD PLAINTIFFS AND ORGANIZATION OF COUNSEL

The Court designates the City of Chicago Deferred Compensation Plan (“Chicago”), Eric Forsythe and Larry R. Eddings as Co-Lead Plaintiffs. The Court also designates the following to act as Co-Lead Counsel in the Actions (“Plaintiffs’ Co-Lead Counsel” or “Co-Lead Counsel”), with the responsibilities hereinafter described:

Milberg Weiss Bershad & Schulman LLP
One Pennsylvania Plaza
New York, New York 10119
Telephone: (212) 594-5300
Facsimile: (212) 868-1229

Bernstein Litowitz Berger & Grossmann LLP
12544 High Bluff Drive, Suite 150
San Diego, California 92130
Telephone: (858) 793-0070
Facsimile: (858) 793-0323

Weiss & Lurie
551 Fifth Avenue, Suite 1600
New York, New York 10176
Telephone: (212) 682-3025
Facsimile: (212) 682-3010

Plaintiffs' Co-Lead Counsel shall be generally responsible for coordinating the activities of plaintiffs during case proceedings and shall:

- (a) determine (after consultation with other co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the plaintiffs on all matters arising during pretrial proceedings;
- (b) coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure, including the preparation of written discovery, and the scheduling and examination of witnesses in depositions;
- (c) conduct settlement negotiations on behalf of plaintiffs;
- (d) manage work assignments in a manner to ensure that pretrial preparation for the plaintiffs is conducted effectively, efficiently, and economically;
- (e) enter into stipulations with opposing counsel necessary for the conduct of the litigation;
- (f) retain expert consultants and witnesses;
- (g) prepare and distribute to the parties periodic status reports;

(h) maintain time and disbursement records covering services as Plaintiffs' Co-Lead Counsel, and collect time and expense records from all Plaintiffs' counsel;

(i) request, if necessary, contributions from other plaintiffs' counsel to further joint efforts on behalf of plaintiffs;

(j) monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and

(k) perform such other duties as may be incidental to proper coordination of plaintiffs' case activities or authorized by further order of the Court.

Plaintiffs' Co-Lead Counsel are designated as the spokespersons for plaintiffs with respect to all substantive communications with the Court and with defense counsel. Other plaintiffs' counsel may communicate on substantive matters with the Court or defense counsel only if delegated to do so by Plaintiffs' Co-Lead Counsel.

The following law firm shall act as Liaison Counsel which is consistent with the recommendations of § 10.22 of the Manual for Complex Litigation:

Moulton & Gans, P.C.
33 Broad Street, Suite 1100
Boston, Massachusetts 02109
Telephone: (617) 369-7979
Facsimile: (617) 369-7980

II. COORDINATION

Co-Lead Counsel shall coordinate activities to avoid duplication and inefficiency in the filing, serving and/or implementation of pleadings, other court papers, discovery papers, and discovery practice.

III. PRIVILEGES PRESERVED

No communication among plaintiffs' counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled. Moreover, no communication among

defendants' counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

IV. SERVICE ON CO-LEAD COUNSEL

Pleadings, Motions, and Other Documents: Defendants shall serve any pleadings, motions, or other documents on file on Co-Lead Counsel, and such service shall constitute service on other attorneys and parties for whom Co-Lead Counsel are acting. Co-Lead Counsel will have discretion to distribute any documents on non-lead counsel. Service of all papers filed, including exhibits, shall be made on all parties by overnight delivery (one-day) morning delivery, and simultaneously by telecopy of only the briefs and declarations (excluding exhibits).

IT IS SO ORDERED

Dated: _____, 2005

Hon. George A. O'Toole Jr.
United States District Judge